

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SPOTTS BROTHERS, INC.,

Plaintiff,

v.

SERAPHIM USA MANUFACTURING  
INC., and  
RYAN ERWIN, individually,

Defendants.

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3:18-CV-02235  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 9<sup>th</sup> DAY OF SEPTEMBER, 2019, upon review of

Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 22) for clear error or manifest injustice,<sup>1</sup> **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 22) is **ADOPTED** for the reasons set forth therein.
2. The Motion to Dismiss by Defendants (Doc. 9) is **GRANTED IN PART AND DENIED**

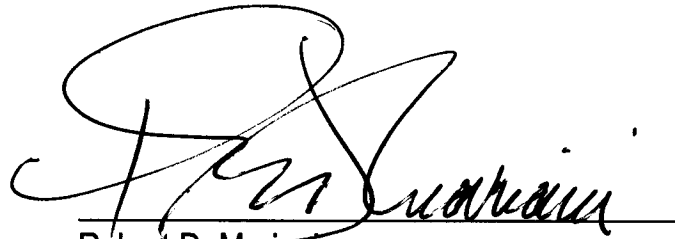
**IN PART AS FOLLOWS:**

- a. The Motion is **GRANTED** with respect to Ryan Erwin. Defendant Ryan Erwin is **DISMISSED** from the above-captioned action.

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<sup>1</sup> The Court notes that Defendants' Counsel has filed a "Petition" for Leave to Withdraw (Doc. 21). However, that motion remains unresolved pending a Conference Call to be held in this case on September 17, 2019. Thus, as the Court noted in its prior order, "Counsel's pending motion in no way relieves counsel from their obligation to review the pending Report and Recommendation and file objections, if they deem appropriate" (Doc. 23). Defendants' Counsel filed no objections and, therefore, the Court reviews the pending R&R for clear error or manifest injustice.

b. The Motion is **DENIED** in all other respects and with respect to Defendant  
Seraphim USA Manufacturing Inc.



Robert D. Mariani  
United States District Judge